

State Water Resources Control Board

Division of Drinking Water

December 29, 2016

System No. 3301775

Stan Curtis Houghton
General Manager
High Valleys Water District
47781 Twin Pines Road
Banning, CA 92220

CITATION NO. 05-20-16C-011

CITATION FOR NONCOMPLIANCE VIOLATION OF HEALTH AND SAFETY CODES DISINFECTION BYPRODUCTS MONITORING 64534.2

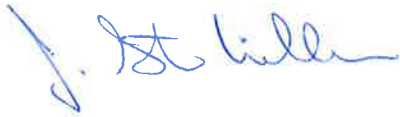
Enclosed is a Citation issued to the High Valleys Water District (hereinafter "HVWD") public water system.

HVWD will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at \$161/hr) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation.

HVWD will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on HVWD for the current fiscal year.

If you have any questions regarding this matter, please contact Nadine Evans of my staff at 619-525-4646 or me at 619-525-4159.

Sincerely,



J. Steven Williams, P.E.
District Engineer
State Water Resources Control Board
Division of Drinking Water
1350 Front Street, Room 2050
San Diego, CA 92101

Certified Mail 7015 3010 0001 9444 3392

cc: Riverside County Environmental Health

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: High Valleys Water District
Water System No: 3301775

Attention: Stan Curtis Houghton, General Manager
47781 Twin Pines Road
Banning, CA 92220

Issued: December 29, 2016

CITATION FOR NONCOMPLIANCE
VIOLATION OF HEALTH AND SAFETY CODES DISINFECTION
BYPRODUCTS MONITORING SECTION 64534.2

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the High Valleys Water District (hereinafter "HVWD") for violation of Section **64534.2**

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The High Valleys Water District serves water to approximately 499 individuals through approximately 197 service connections. The water system is operated under Domestic Water Supply Permit No. 05-20-16P-002, issued by the State Board on January 7, 2016, and consists of three reservoirs, where the City of Banning provides all of the District's water via a 6-inch 135 gallon per minute inter-connection. The water system is a community public water system as defined in the California Health and Safety Code, Section 116275.

The District is required to monitor for Disinfectant Byproducts in accordance with the October 7, 2016 Division approved Stage 2 Disinfectants/Disinfection Byproduct Rule (DBPR) Monitoring Plan per CHSC Section 64534.2 and Table 64534.2-C. The following sample locations are also specified in the Domestic Water Supply Permit No. 05-20-15P-002 issued by the Division on January 7, 2016.

Station Name	PS Code	Frequency
49575 Ellis Drive P.F.	3301775-801	Annual
16990 Berry Hill T.P.	3301775-802	Annual

On April 28, 2016 the State Board issued a Notice of Violation to High Valleys Water District for failure to monitor for disinfection byproducts during the third quarter of 2015 and failure to report quarterly distribution system residual disinfectant levels. The District collected samples to satisfy the missing 2015 third quarter samples on April 27, 2016 and reported the results to the State Board. The District did not collect disinfection byproduct samples during the third quarter of 2016. The District collected disinfection byproduct samples on October 28, 2016 and reported the late results to the State Board to satisfy the third quarter 2016 requirement.

Per the April 28, 2016 Notice of Violation, the District was required to provide a Tire 3 Public Notice per Title 22 Section 64463.7. The District could have published this notice in the 2015 Consumer Confidence Report

1 which was due to consumers by July 1, 2016; however, the District did not
2 include this notice in the CCR distributed.

3 4 **DETERMINATION**

5 Based on the above Statement of Facts, the Division has determined that
6 the District violated California Health and Safety Code, Section 116555 and
7 Section 64534.2 in that the District did not monitor for Disinfectant
8 Byproducts in the water supplied to customers during the third quarter of
9 2015 and 2016. Furthermore, the District failed to notify customers of the
10 2015 monitoring violation in Consumer Confidence Report. **Therefore, the**
11 **State Board has determined that the High Valleys Water District is in**
12 **violation of the Disinfection ByProducts Monitoring requirement.**

13
14 The above violations are classified as non-continuing violations.

15 16 **DIRECTIVES**

17 The HVWD is hereby directed to take the following actions:

- 18
19 1. Cease violating the reporting requirements of Section 116470 of the
20 CHSC, and Section 64534.2 of Title 22, California Code of
21 Regulations.
- 22 2. The District is required to collect Disinfectant Byproduct samples
23 during the third quarter of 2017 and report the results to the State
24 Board no later than the 10th day of the month following that quarter.
- 25
26 3. This Disinfection Byproducts monitoring violation warrants a Tier 3
27 Public Notice. Pursuant to CCR, Title 22, Section 64463.7, the District
28 must provide notice of this violation to consumers within one year of
29 learning of the violation. The District may publish notice of this
30 violation in the 2016 Consumer Confidence Report, which is due to
31 consumers by July 1, 2017.
- 32

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: High Valleys Water District 3301775, citation number and title of the document being submitted.

J. Steven Williams, P.E., District Engineer
State Water Resources Control Board
1350 Front Street, Room 2050
San Diego, CA 92101
DWPdist20@waterboards.ca.gov

The State Board reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the High Valleys Water District of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

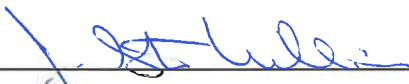
This Citation shall apply to and be binding upon the High Valleys Water District, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the High Valleys Water District shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.



J. Steven Williams, P.E.



Date

District Engineer

State Water Resources Control Board

Division of Drinking Water

Appendices 1:

1. Applicable Statutes and Regulations

Certified Mail No. 7015 3010 0001 9444 3392

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 05-20-16C-011**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to “department,” “state department,” or “director” regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county’s election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board’s authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This

subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 64534.2 Disinfection ByProducts Monitoring states in relevant part:

(d) (1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8.